

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES COTTRELL,

Plaintiff,

v.

ORDER
04-CV-204

ERIE COUNTY DISTRICT ATTORNEY, et al.,

Defendants.

This *pro se* case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). On June 21, 2007, Magistrate Judge Scott issued a Report and Recommendation, recommending that the case be dismissed with prejudice based on the plaintiff's failure: (1) to inform the Court of his current address; (2) to attend conferences; and (3) to prosecute this action.

On July 31, 2007, plaintiff filed objections to the Report and Recommendation. He explains that the original address used by the Court Clerk's Office was incorrect, and that he has since been arrested for a parole violation and is currently incarcerated in the Wyoming Correctional Facility.

Because the plaintiff is proceeding *pro se*, the Court will grant the plaintiff the benefit of a doubt and shall not dismiss his case at this time. Plaintiff is advised, however, that under this Court's Local Civil Rule 5.2, it is his obligation to furnish the Court with their current address and to update the Court upon any

change of address, as well as to be familiar with and abide by all the Local Rules. The Court will dismiss this action with prejudice if there is any future failure to comply.

The Clerk of Court shall amend the docket sheet to indicate plaintiff's current address as:

James Cottrell, #04B1033
Wyoming Correctional Facility
P.O. Box 501
Attica, NY 14011.

The case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 24, 2007